

GROTON CONSERVATION COMMISSION

Minutes

February 12, 2008

Chairman Marshall Giguere called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Wayne Addy, Craig Auman, Bruce Easom, and Ryan Lambert were present. Peter Morrison was absent. Holly Estes arrived at 7:05 p.m. Conservation Assistant Barbara Ganem was also present.

Upon a motion by C. Auman, seconded by W. Addy, it was

VOTED: to approve the Open Session of the minutes of January 22, 2008 as drafted.

R. Lambert abstained from the vote.

Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to approve the Executive Session minutes of January 22, 2008 as amended.

R. Lambert abstained from the vote.

Upon a motion by B. Easom, seconded by W. Addy, it was

VOTED: to approve the minutes of February 8, 2008 as drafted.

(H. Estes arrived at 7:05 p.m.)

Upon a motion by B. Easom, seconded by R. Lambert, it was

VOTED: to approve the draft special conditions and issue the Order of Conditions for DEP #169-989 for 25 West Main St. under the Wetlands Protection Act.

W. Addy voted in the negative.

Upon a motion by B. Easom, seconded by H. Estes, it was

VOTED: to approve the draft special conditions and issue the Order of Conditions for DEP #169-989 for 25 West Main St. under the Groton Wetlands Protection Bylaw.

Regarding articles to be proposed for the upcoming Town Meeting, upon a motion by B. Easom, seconded by W. Addy, it was

VOTED: to approve the article to renew the land management revolving account and authorize the Chairman to sign off on the draft article.

Upon a motion by B. Easom, seconded by H. Estes, it was

VOTED: to support the article to transfer \$1,760.56 from 2800-581, Account Code 171-3560, of Receipts Reserved for Conservation to the 2700 Revolving Fund 535, Account Code 171-4320, to be used for the management of conservation lands, or take any action thereon, and to authorize the Chairman to sign off on the draft article.

Members reviewed the draft memo to the Finance Committee about anticipated costs of continuing to maintain Sargisson Beach even without a waterfront management component, i.e., land management, trash, and portapotties. It does require modifying the YMCA contract. It should be noted that lifeguards are on duty 7 days a week and perform other duties in terms of keeping the premises cleaned up.

7:15 p.m. – 98 Indian Hill Rd. Request for Determination of Applicability

Engineer Jack Visniewski was present to represent the homeowner J. P. Gillard. Mr. Visniewski indicated a small (5' x 8') addition to what has previously been approved through the Notice of Intent process is proposed. The NOI was for an enclosed porch, garage extension, and deck. This addition will be supported by one additional sonatube. Drip trenches with crushed stone to aid infiltration were to be installed at the roof driplines, and Mr. Visniewski said crushed stone will be placed under the deck as well.

C. Auman commented he was glad to see pervious surfacing under the extension. B. Easom thought this change would have been approved if submitted under the original NOI. Upon a motion by C. Auman, seconded by H. Estes, it was

VOTED: to issue a negative #3 Determination for work in the buffer zone requiring the applicant to include all changes in the final as-built plan and to adhere to all conditions listed in the Order of Conditions for DEP #169-952.

Member Easom thought it was a good tactic during the budget discussions with the Finance Committee and Board of Selectmen to bring up the idea of making the biggest cut first. He added that, in the overall scheme of things, the swimming program is less important and is a net loser of revenue. The Recreation Department was originally eliminated because of management issues.

C. Auman questioned whether we would still charge for parking stickers or raise the sticker price. B. Easom felt we should just get out of the business entirely, noting raising the fees would only raise the revenue slightly. The draft will be revised and sent out via email for any additional comments.

DEP has responded concerning the work Frank Mavila is to do on the retaining wall at Sargisson Beach. Mr. Mavilia claims he is physically unable to do the work. In the past, B. Easom has reviewed aerial photographs of work done on his house lot and shoreline, as well as the plan for the development of the Knops Pond/Lost Lake area. Commissioners reviewed photographs of the

site showing the work Mr. Mavilia did on his property. For the work at the Beach, there have been scheduling issues related to the weather, access to the point, and whether there are frozen conditions. Members objected to Mr. Mavilia just getting away with the violation, but it was noted he did pay the fine issued by the Commission. The work on the Beach retaining wall was suggested as a way to avoid a fine in connection with a Superseding Order of Conditions issued by DEP. Members thought the agreement was not a practical one as we have observed with the past delays. It may be appropriate to re-negotiate the deal as the current one is never going to be fulfilled. The Commission is not in a position to levy a \$6000 fine since it originated with DEP. Members agreed to send a letter to DEP outlining the above concerns.

The Commission reviewed a letter from Eric Rosenberger responding to the Commission inquiry about the repair of the farm road crossing of James Brook at Hillbrook Orchard. The Agricultural Preservation Restriction clearly names the Town Conservation Commission as a co-holder with the state. Further, it does not spell out that agriculture must be taking place on an APR parcel. Mr. Rosenberger clearly does not understand that the project is subject to the Wetlands Protection Act if the site has been out of agriculture for 5 years. A letter has been sent to the Hillbrook Nominee Trust requesting the filing of a Request for Determination of Applicability to clarify the matter.

B. Ganem reported she recently attended a stormwater management workshop sponsored by DEP. The presentation included information on the change from a stormwater policy to incorporation into the regulations at 310 CMR, effective 1/2/08. The stormwater standards will still apply to developments larger than 4 single family homes, but additional recharge treatments have been incorporated into the regulations. Low impact development techniques have been included in DEP-approved stormwater treatment strategies. The upcoming MACC conference will also offer additional opportunities for learning about the stormwater changes. The Commission became very familiar with some of the stormwater issues that accompanied the development of Groton Residential Gardens. Based on recent reports from the owner's National Pollutant Discharge Elimination System (NPDES) monitor, the work on Academy Hill is reaching a critical stage because of siltation issues both into Townsend Rd. and into the wetlands on site.

A Request for a Certificate of Compliance has come in from Attorney Robert Collins for 601 Lowell Rd. The Commission has visited the replication site and the wetland crossings associated with the filing for a common driveway. The applicant has also applied for a Certificate from DEP because they had a Superseding Order of Conditions for construction of the house. In addition, owner Bob Kiley has now placed much of the site under a Conservation Restriction held by the Water Department, and this document has been recorded. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a Certificate of Compliance for 601 Lowell Rd., DEP #169-681.

B. Ganem mentioned the Commission is likely to be reviewing proposed work on the Gale lot on Lowell Rd. This is the property the Commission previously visited to evaluate for an addition to the Town's open space. The house lot has recently been sold.

W. Addy expressed concern that he would be able to meet the demands of serving as liaison on the Great Ponds Advisory Committee. He mentioned a punch list of items which are called for by the state in order to prepare a resource management plan. C. Auman noted each member typically serves as a liaison on other town committees, and this serves as a way of keeping everyone informed on conservation issues. Those appointed have to be sworn in by the Town Clerk and have voting rights. Some of the committees are more time-intensive than others, but generally a member signs up until thrown off for not showing up. Mr. Addy indicated this committee generally meets once a month. He added the state seems to be just starting the process and requires things like mapping every dock, retaining wall, and culvert draining into the ponds. It falls under the category “unfunded mandate”, and Chatham is the only community that has complied thus far. C. Auman said our core work is to protect wetlands and hold hearings, but it is in the Commission’s best interest to have representation on these committees and provide support on conservation issues. Some of the work which is involved on this committee has already been done by the Water Department which has incorporated mapping of culverts in a GIS data layer. W. Addy said he was impressed with the work the Committee has accomplished for Martins Pond, but didn’t realize he had signed up to be a voting member on the Committee. Mr. Addy said he thought it best to raise the yellow flag now as this is well beyond what he anticipated.

Upon a motion by C. Auman, seconded by B. Easom, and a roll call vote of M. Giguere, H. Estes, C. Auman, B. Easom, W. Addy, and R. Lambert, it was

VOTED: to enter into Executive Session, not to return to Open Session at adjournment.

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted 3/11/08.